

810 KAR 1:001. Definitions.

RELATES TO: KRS Chapter 230

STATUTORY AUTHORITY: KRS 230.215, 230.225(5), 230.260, 230.361(1), 230.370

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) grants the commission the authority to regulate conditions under which thoroughbred racing shall be conducted in Kentucky. KRS 230.260(8) grants the commission the authority to prescribe necessary and reasonable administrative regulations and conditions under which horse racing at a horse race meeting shall be conducted in this state. KRS 230.361(1) requires the commission to promulgate administrative regulations governing and regulating mutuel wagering on horse races under the pari-mutuel system of wagering. This administrative regulation defines the terms used in 810 KAR Chapter 1.

Section 1. Definitions. (1) "Added money" means cash, exclusive of trophy or other award, added by the association to stakes fees paid by subscribers to form the total purse for a stakes race.

(2) "Age" means the number of years since a horse was foaled, reckoned as if the horse was foaled on January 1 of the year in which the horse was foaled.

(3) "Arrears" means all sums due by a licensee as reflected by his or her account with the horsemen's bookkeeper, including subscriptions, jockey fees, forfeitures, and any default incident to 810 KAR Chapter 1.

(4) "Association" is defined by KRS 230.210(1).

(5) "Authorized agent" means any person currently licensed as an agent for a licensed owner or jockey by virtue of notarized appointment of agency filed with the commission.

(6) "Betting interest" means a single horse, or more than one (1) horse joined as a mutuel entry or joined in a mutuel field, on which a single pari-mutuel wager may be placed.

(7) "Bleeder" means any horse known to have bled internally or from its nostrils during a workout or race.

(8) "Breakage" means the net pool minus payout.

(9) "Breeder" means the owner of the dam of a horse when the horse was foaled. A horse is "bred" at the place of its foaling.

(10) "Calendar days" means consecutive days counted irrespective of number of racing days.

(11) "Carryover" means nondistributed pool monies which are retained and added to a corresponding pool in accordance with 810 KAR Chapter 1.

(12) "Claiming race" means any race in which every horse running in the race may be transferred in conformity with 810 KAR Chapter 1.

(13) "Closing" means the time published by the association after which entries for a race will not be accepted by the racing secretary.

(14) "Commission" means:

(a) The Kentucky Horse Racing Commission (formerly known as the Kentucky Horse Racing Authority and defined in KRS 230.210(2)) if used in the context of the administrative agency governing horse racing and pari-mutuel wagering; and

(b) If used in the context of pari-mutuel wagering, the amount an association is authorized to withhold from a pari-mutuel wager pursuant to KRS 230.3615.

(15) "Day" means any twenty-four (24) hour period beginning at 12:01 a.m. and ending at midnight.

(16) "Dead heat" means a finish of a race in which the noses of two (2) or more horses reach the finish line at the same time.

(17) "Declaration" means the withdrawal of a horse entered in a race prior to time of closing of entries for the race in conformance with 810 KAR Chapter 1.

(18) "Designated area" means any enclosed area that the commission has approved for the location of terminals used for wagering on an historical horse race.

(19) "Disciplinary action" means action taken by the stewards or the commission for a violation of KRS Chapter 230 or 810 KAR Chapter 1 and can include:

- (a) Refusal to issue or renew a license;
- (b) Revocation or suspension of a license;
- (c) Imposition of probationary conditions on a license;
- (d) Issuance of a written reprimand or admonishment;
- (e) Imposition of fines or penalties;
- (f) Denial of purse money;
- (g) Forfeiture of purse money; or
- (h) Any combination of paragraphs (a) through (g) of this subsection.

(20) "Disqualification" means a ruling of the stewards or the commission revising the order of finish of a race.

(21) "Entry" means the act of nominating a horse for a race in conformance with 810 KAR Chapter 1.

(22) "Equipment" means accoutrements other than ordinary saddle, girth, pad, saddle cloth, and bridle carried by a horse, and includes whip, blinkers, tongue strap, muzzle, hood, noseband, bit, shadow roll, martingale, breast plate, bandages, boots, and racing plates or shoes.

(23) "Exhibition race" means a race between horses of diverse ownership for which a purse is offered by the association, but on which no pari-mutuel wagering is permitted.

(24) "Exotic wager" means any pari-mutuel wager placed on a live or historical horse race other than a win, place, or show wager placed on a live horse race.

(25) "Field" or "mutuel field" means a single betting interest involving more than one (1) horse which is not a mutuel entry.

(26) "Forfeit" means money due by a licensee because of an error, fault, neglect of duty, breach of contract, or alternative ruling of the stewards or the commission.

(27) "Free handicap" means a handicap for which no nominating fee is required to be weighted, but an entrance or starting fee may be required for starting in the race.

(28) "Handicap race" means a race in which the weights to be carried by the horses are assigned by the association handicapper with the intent of equalizing the chances of winning for all horses entered in the race.

(29) "Handle" means the aggregate of all pari-mutuel pools, excluding refundable wagers.

(30) "Historical horse race" means any horse race that:

- (a) Was previously run at a licensed pari-mutuel facility located in the United States;
- (b) Concluded with official results; and
- (c) Concluded without scratches, disqualifications, or dead-heat finishes.

(31) "Horse" means a thoroughbred registered with The Jockey Club irrespective of age or sex designation.

(32) "Ineligible" means a horse or person not qualified under 810 KAR Chapter 1 or conditions of a race to participate in a specified racing activity.

(33) "Initial seed pool" means a nonrefundable pool of money funded by an association in an amount sufficient to ensure that a patron will be paid the minimum amount required on a winning wager on an historical horse race.

(34) "Jockey" means a rider currently licensed to ride in races as a jockey, apprentice jockey, amateur jockey, or a provisional jockey permitted by the stewards to ride in three (3) races prior to applying for a license.

(35) "Lessee" means a licensed owner whose interest in a horse is a leasehold.

(36) "Licensed premises" means the location and physical plant described in response to ques-

tion P of the "Commonwealth of Kentucky Initial/Renewal Application for License to Conduct Live Horse Racing, Simulcasting, and Pari-Mutuel Wagering" filed for racing to be conducted in 2010. Licensed premises may also include real property of an association, if the association receives approval from the commission for a new location at which live racing will be conducted.

(37) "Licensee" means an individual, firm, association, partnership, corporation, trustee, or legal representative that has been duly issued a currently valid license to participate in racing in the Commonwealth.

(38) "Maiden" means a horse which has never won a race on the flat at a recognized meeting in any country. A maiden which was disqualified after finishing first remains a maiden. Race conditions referring to maidens shall be interpreted as meaning maidens at the time of starting.

(39) "Match race" means a race between two (2) horses for which no other horses are eligible.

(40) "Meeting" means the entire period of consecutive days, exclusive of dark days, granted by the commission to a licensed association for the conduct of live horse racing. A meeting shall begin at 10 a.m. of the first racing day and extend through a period ending one (1) hour after the last scheduled race of the last day.

(41) "Minus pool" means a pari-mutuel pool in which the amount of money to be distributed on winning wagers exceeds the amount of money contained in the net pool.

(42) "Month" means calendar month.

(43) "Mutuel entry" means a single betting interest involving two (2) or more horses entered in the same race and joined for pari-mutuel purposes because of common ties as to ownership or training so that a wager on one (1) horse joined in a mutuel entry is a wager on all horses joined in the same mutuel entry.

(44) "Net pool" means the total amount wagered less refundable wagers and takeout.

(45) "Nomination" means a subscription or entry of a horse in a stakes or early closing race.

(46) "Nominator" means the person in whose name a horse is entered for a race.

(47) "Owner" means any person who holds, in whole or in part, any right, title, or interest in a horse, or any lessee of a horse, who has been duly issued a currently valid owner's license as a person responsible for the horse.

(48) "Pari-mutuel wagering," "mutuel wagering", or "pari-mutuel system of wagering" each means a system or method of wagering approved by the commission in which patrons are wagering among themselves and not against the association and amounts wagered are placed in one or more designated wagering pools and the net pool is returned to the winning patrons.

(49) "Patron" means an individual present at a track or a simulcast facility who observes or wagers on a live or historical horse race.

(50) "Payout" means the amount of the net pool payable to an individual patron on his or her winning wager.

(51) "Place," if used in the context of a single position in the order of finish in a race, means second; if used in the context of pari-mutuel wagering, a "place" wager means one involving a payoff on a betting interest which finished first or second in a race; if used in the context of multiple positions in the order of finish in a race, "place or placing" means finishing first or second.

(52) "Post" means the starting point of a race.

(53) "Post position" means the relative place assigned to each horse, numbered from the inner rail across the track at the starting line, from which each horse is to start a race.

(54) "Post time" means the advertised moment scheduled for the arrival of all horses at the starting point for a race.

(55) "Prize" means the combined total of any cash, premium, trophy, and object of value awarded to the owners of horses according to order of finish in a race.

(56) "Purse" means the gross cash portion of the prize for which a race is run.

(57) "Purse race" means any race for which entries close at a time designated by the racing

secretary, and for which owners of horses entered are not required by its conditions to contribute money toward its purse.

(58) "Race" means a running contest between thoroughbreds, ridden by jockeys, over a prescribed course free of obstacles or jumps, at a recognized meeting, during regular racing hours, for a prize.

(59) "Race day" means any period of twenty-four (24) hours beginning at 12:01 a.m. and ending at midnight in which live racing is conducted by an association.

(60) "Racing official" means a racing commission member, commission staff as duties require, and all association racing department employees, as duties require.

(61) "Recognized meeting" means any meeting with regularly scheduled live horse races for thoroughbreds on the flat, licensed by and conducted under administrative regulations promulgated by a governmental regulatory body, to include foreign countries which are regulated by a racing authority which has reciprocal relations with The Jockey Club and whose race records can be provided to an association by The Jockey Club.

(62) "Registration certificate" means:

(a) The document issued by The Jockey Club certifying the name, age, color, sex, pedigree, and breeder of a horse as registered by number with The Jockey Club; or

(b) The document known as a "racing permit" issued by The Jockey Club in lieu of a registration certificate if a horse is recognized as a thoroughbred for racing purposes in the United States, but is not recognized as a thoroughbred for breeding purposes insofar as registering its progeny with the Jockey Club.

(63) "Result" means the part of the official order of finish in a race used to determine the pari-mutuel payoff of pools.

(64) "Rulings" means all determinations, decisions, or orders of the stewards or of the commission duly issued in writing and posted.

(65) "Scratch" means the withdrawal of a horse entered for a race after the time of closing of entries for the race in conformance with 810 KAR Chapter 1.

(66) "Scratch time" means the time set by the racing secretary as a deadline for horsemen to indicate their desire to scratch out of a race.

(67) "Secretary" means the duly appointed and currently serving secretary of the commission.

(68) "Seed pool" means a pool of money funded by patrons wagering on an historical horse race that is used to ensure that all patrons are paid the minimum payout on winning wagers.

(69) "Specimen" means a sample of blood, urine, or other biologic sample taken or drawn from a horse for chemical testing.

(70) "Stakes" means all fees paid by subscribers to an added-money or stakes race for nominating, eligibility, entrance, or starting, as may be required by the conditions of the race. These fees shall be included in the purse.

(71) "Stakes race" means a race which closes more than seventy-two (72) hours in advance of its running and for which subscribers contribute money towards its purse, or a race for which horses are invited by an association to run for a guaranteed purse of \$50,000 or more without payment of stakes. With the exception of stakes races in North America, "stakes race" shall exclude races not listed by The Jockey Club Information System International Cataloguing Standards, Part One (1).

(72) "Steward" means a duly appointed racing official with powers and duties specified in 810 KAR 1:004 serving at a current meeting in the Commonwealth.

(73) "Starter" means a horse in a race when the starting-gate doors open in front of it at the moment the starter dispatches the horses for a race.

(74) "Subscription" means nomination or entry of a horse in a stakes race.

(75) "Takeout" means the total amount of money, excluding breakage and any amounts allo-

cated to a seed pool, withheld from each pari-mutuel pool, as authorized by KRS 230.3615 and 810 KAR Chapter 1.

(76) "Terminal" means any self-service totalizator machine or other mechanical equipment used by a patron to place a pari-mutuel wager on a live or historical horse race.

(77) "Thoroughbred racing" is defined by KRS 230.210(3).

(78) "Totalizator" means the system, including hardware, software, communications equipment, and electronic devices that accepts and processes the cashing of wagers, calculates the odds and prices of the wagers, and records, displays, and stores pari-mutuel wagering information.

(79) "Unplaced" means a horse that finishes a race outside the pari-mutuel payoff.

(80) "Walkover" means a race in which the only starter or all starters represent single ownership.

(81) "Weigh in" means the presentation of a jockey to the clerk of scales for weighing after a race.

(82) "Weigh out" means the presentation of a jockey to the clerk of scales for weighing prior to a race.

(83) "Weight for age" means the standard assignment of pounds to be carried by horses in races at specified distances during specified months of the year, scaled according to the age of the horse as set out in 810 KAR 1:014(12).

(84) "Workout" means the training exercise of a horse on the training track or main track of an association during which the horse is timed for speed over a specified distance.

(85) "Year" means twelve (12) consecutive months beginning with January and ending with December.

Section 2. Severability. In the event that any provision or administrative regulation of this chapter is found to be invalid, the remaining provisions of this chapter shall not be affected nor diminished thereby. (KSRC Ch. 1, 1.01 to .64; 1 Ky.R. 891; eff. 5-14-75; Am. 10 Ky.R. 652; eff. 3-1-84; 15 Ky.R. 2277; 16 Ky.R. 163; eff. 7-14-89; 18 Ky.R. 1977; eff. 2-19-92; 24 Ky.R. 2445; 25 Ky.R. 852; eff. 10-12-98; TAm eff. 8-9-2007; 37 Ky.R. 825; 2852; eff. 7-1-11.)